Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

109-50 - SPECIAL REVIEW PROVISIONS

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109-50 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/3/1977

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

109-51 - Modification of the Provisions of the Special Little Italy District

LAST AMENDED
11/16/1989

109-511 - Modifications by authorization

LAST AMENDED
12/5/2024

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

(a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;

(b) any additional #floor area# created through such elimination of a #non-complying# #inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;

(c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;

(d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;

(e) the #enlargement# as proposed shall comply with the applicable provisions of Section 23-63, except as otherwise modified by the Commission; and

(f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

109-52 - Special Permit Provisions

LAST AMENDED
2/3/1977

109-521 - Modification of accessory off-street parking facilities

LAST AMENDED
12/5/2024

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section 109-14 or Section 109-341.

109-522 - Special provisions for the preservation of certain existing buildings

LAST AMENDED
2/2/2011

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

(a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or

(b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and

(c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

109-523 - Applications for special permit

LAST AMENDED
12/5/2024

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 109-14 and 109-341 of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

109-525 - Relationship to public improvement projects

LAST AMENDED
2/3/1977

In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.